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TAGS: PGOV PHUM KDEM GG

SUBJECT: PRELIMINARY LOOK--JUDICIAL REFORM INDICATORS
BETTER THAN 2005

Classified By: Ambassador John F. Tefft for reasons 1.4 (b) and (d).

¶1. (C) Summary: A independent judicial reform expert recently visited Georgia to evaluate progress since 2005. Preliminary results indicate much has been done to improve the professionalism, accountability and salaries of judges, but questions remain as to the independence of the judiciary.

End Summary.

¶2. (C) On April 3, Poloff met with Tom Cope, an independent contractor hired by the American Bar Association (ABA) to write the Judicial Reform Index (JDI) which will evaluate reforms made in Georgia since 2005. Cope, who also penned the JDI in 2005, remembers well the situation in Georgia in 2005 and was struck by the positive changes. The JDI is a bi-annual assessment which examines over 30 factors which deal with quality, education and diversity; judicial powers; financial resources; structural safeguards; accountability and transparency; and efficiency. Each area is rated as negative, neutral or positive. In 2005, Georgia only scored positively on two of the 30 factors, and fifteen factors were rated as negative. Each JDI draft is sent out for a peer review prior to final publication which is slated for Fall ¶2008.

¶3. (C) Cope told Poloff that the biggest positive changes that he noticed are the training of judges, procedures to address ethics violations (he particularly lauded the passage of the ex parte communications law--which the U.S. strongly promoted), and structural improvements to court houses. What particularly struck him was the attitude of judges with whom he spoke. In 2005 judges seemed reluctant to talk to him, as many of them had been placed on the reserve list until the end of their terms and were not sure what the future held for them. According to Cope, judges then seemed bewildered and confused by what was happening. In his latest discussions with judges, nearly all seemed content with the progress and the direction of judicial reforms. Cope said he wasn't sure if this indicated that the "problem makers" who disagreed with the administration are now out, or if the situation is significantly better. Cope said his preliminary assessment is that judicial independence is still lacking, but is still evaluating the issue.

¶4. (C) Comment: ABA used the JDI as a planning tool in formulating its training to address deficiencies in the judiciary over the last two years and is hopeful that Georgia will do better on the 2008 assessment. ABA training is currently focused on addressing legal education reforms and encouraging public trust within the judiciary by heightened public awareness campaigns and assistance to make court opinions accessible to counsel and the public.

TEFFT